

# Minutes of a Regular Meeting

Approved 4/5/2007

## Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, March 1, 2007, 7:00 p.m.  
Council Chambers, 26379 Fremont Road

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cc: Cassettes (1) #3-07

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Victoria Ortland, Planning Secretary

### 2. PRESENTATIONS FROM THE FLOOR-none.

### PUBLIC HEARINGS

- 3.1 LANDS OF ZANJANI, 24624 Summerhill Avenue (90-06-ZP-SD-CDP); A request for a Conditional Development Permit for a 4,060 square foot two-story new residence (maximum height 25' feet) and a Variance to allow a trash enclosure and two required surface parking spaces to encroach within the side yard setback. CEQA Review – Categorical Exemption per Section 15303(a) (Staff-Debbie Pedro).

Debbie Pedro, Planning Director, presented the staff report for a new residence on Summerhill Avenue that required a Conditional Development Permit. The constrained lot had a LUF of 0.425. The property was part of a subdivision created in 1951 and the building was constructed in 1952, prior to the Town's incorporation in 1956. The applicant had proposed to remove all of the non-conforming structures on the property. Four parking spaces are required with two being provided within the garage and two surface parking spaces located over existing paving in the setback. A portion of the trash enclosure was also proposed to be placed in the setback on existing paving. Findings for the variance included the substandard size of the lot along with the topography that gives very limited area to locate the parking spaces and the trash enclosure. The other available area to locate the parking spaces was along the front of the house and required additional grading and removal of existing landscape screening. In addition, only one of the required parking spaces could be accommodated in the front and would be in clear view of the street and neighbors. The Pathways Committee had recommended the installation of a Type 2B pathway along Summerhill Avenue.

Commissioner Clow stated that the trash enclosure appeared to have no roof and was like a four foot wall. A variance in the setback would not be required for a four foot wall. The hardscape

under the trash enclosure was similar to a four foot wide path that was allowable in the setback. If the Planning Commission decided that no variance was required for the project, would that be consistent with the ordinances?

Debbie Pedro replied that it could be argued that the existing permitted development area covered the site of the trash enclosure. It could be considered legal non-conforming like the driveway paving.

Jahan Zanjani, applicant, stated that the submittal was an overall addition of approximately 700 square feet. He wanted to keep the parking spaces and trash enclosure near the upper part of the property for ease of access to the house instead of using the stairs. The driveway had been in existence for 50 years. The neighbors he had contacted were in support of the project and the variance.

Commissioner Harpootlian said he had met with Mr. Zanjani earlier in the day at his residence.

#### OPENED PUBLIC HEARING

Carol Gottlieb, Summerhill Avenue, expressed the need for the pathway on Summerhill Avenue and appreciated the path installation.

#### CLOSED PUBLIC HEARING

Commissioner Clow supported the application. He disclosed he had spoken to the applicant and the neighbor on the other side of the fence where the driveway is at the property line. The neighbor was very supportive of the project. He did not consider the trash enclosure to require a variance but was legal non-conforming and supported the parking spaces where they are located.

Commissioner Harpootlian had concerns about the parking spaces in the setback and the location being well within ten feet of the property line. He suggested a solution would be to move the parking spaces to the east side of the driveway placed in a tandem fashion. He was concerned with the lack of remaining development area for future outdoor use.

Commissioner Cottrell supported the plan and felt it was very well done. He thought moving the parking spaces to the front would require considerable more grading.

Commissioner Carey was supportive of the application as proposed or with the parking spaces relocated toward Summerhill Avenue. He wanted to hear more discussion about moving the parking spaces out of the setback.

Chairman Collins supported the project and stated that parking in the setback had been allowed in the past especially on constrained lots.

Jahan Zanjani was not in favor of locating the parking area in the front of the property because of the increased cost for grading and retaining walls. He felt that cars parked in the current location

were barely visible from the street. If the parking area were moved to the suggested site cars would be very visible and contribute to a neighborhood appearance he does not like. He also spoke in favor of the existing parking site in regards to easier access to the kitchen for carrying groceries.

Debbie Pedro, Planning Director, pointed out that the parking spaces placed in the tandem arrangement would require an exception as the code requires unobstructed parking. Also, moving the parking spaces to the front of the property may require more than three feet of fill to create the pad.

**MOTION SECONDED AND APPROVED BY THE FOLLOWING VOICE VOTE:** Motion by Commissioner Clow and seconded by Commissioner Cottrell to approve the application with an exception that the trash enclosure be considered as legal non-conforming rather than a variance and add a condition of approval stating that the walls of the trash enclosure not exceed four feet in height and the top of the enclosure remains uncovered.

AYES: Chairman Collins, Commissioners Carey, Clow and Cottrell  
NOES: Commissioner Harpootlian

This approval is subject to a 22 day appeal period.

- 3.2 LANDS OF EPISCOPAL LAYMANS GROUP OF LOS ALTOS (APPLICANT: SPRINT NEXTEL), 26140 Duval Way (St. Luke's Chapel); File # 27-07-CUP; Conditional Use Permit renewal for an existing/previously approved wireless communications facility. The facility consists of ground cabinets and three panel antennas mounted inside a 35' tall flagpole. No new change is being proposed to the existing buildings, structures or use of the facilities. CEQA review: exempt per 15301 (a) (Staff-Brian Froelich, AICP).

Brian Froelich, Associate Planner, presented the staff report stating the application was a Conditional Use Permit renewal for a Sprint installation originally approved by City Council. The site consists of three panel antennas installed inside a flagpole along with associated ground equipment cabinets. The site was operating in compliance with the Town's Wireless Communications Facility Policy and the Conditions of Approval. The submitted Electromagnetic Energy Survey indicated that the site was operating within the maximum permissible FCC standards. The applicant had provided a three to five year master plan for Sprint that did not propose any new sites. The Planning Commission is to review the application for recommendation to City Council for renewal of the existing Conditional Use Permit.

Commissioner Harpootlian confirmed with staff that the site was non-residential.

Matthew Yergovich, Representative for Sprint, said government code section number 65964 enacted by Senate bill 1627 had been passed on January 1, 2007. The code section states that a city or county shall not unreasonably limit permit duration for telecommunication use. A permit of less than 10 years was presumed unreasonable.

Discussion ensued regarding the length of Conditional Use Permits in the Town.

#### OPENED PUBLIC HEARING

Frederick Mueller, Duval Way, was opposed to the permit renewal. His house was located between the two antennas on the church property and two antennas at Foothill College. He feels four antennas in the neighborhood does not enhance but reduces property values. He prefers this antenna be moved to another site because the Duval Way area is overburdened with antennas.

Mary Jackson, Duval Way, presented photographs of the landscaping in the area and spoke about the trees planted to screen the flagpole that had now perished and had been removed.

Dean Pourmand, Josefa Lane, felt the flagpole antenna should be removed. He stated the antennas at Foothill College were a problem. He wanted the college and the church to abide by the same standards as property owners.

Matthew Yergovich, Representative for Sprint, reported that no changes were proposed for the site.

Commissioner Carey asked if there was collocation on the antenna or if Mr. Yergovich was familiar with the other antennas in the area and the possibility of Sprint moving to another antenna and eliminating the flagpole antenna.

Matthew Yergovich said it was not possible and collocation is not available.

An audience member asked the name of the company utilizing the antenna in the church steeple.

Chairman Collins wished to keep the discussion focused on the application before the Commission and not the other telecommunication carriers and antennas in the area.

Debbie Pedro explained that the Town had a wireless communication facilities policy that states priorities for site location. Town owned property had highest priority; other public facilities such as Foothill College or water tanks had next priority for locating wireless sites. Collocation was encouraged to minimize the number of structures. There is no change proposed for the flagpole site. If there is a need for additional landscaping the neighbors can make specific requests for screening that can become conditions of approval to be presented to City Council.

#### CLOSED PUBLIC HEARING

Commissioner Cottrell referred to the policy established by City Council that listed the site priorities for antennas that included churches. He had empathy for the neighbors because of the several antennas located nearby.

Commissioner Carey felt the application should be renewed but wanted the wireless policy to address the coordination of carriers and eliminate antennas if possible.

Commissioner Clow stated that collocation was investigated but not possible for the steeple antenna when the flagpole antenna was originally installed. Collocation is pursued by the Town and typically requires higher towers.

Discussion continued about height of different types of towers, collocation arrangements and locations of towers.

Commissioner Clow supported a recommendation to Council to support the application with a 5 year renewal unless the law requires a 10 year timeframe. Landscape screening is a good idea for the site and should be maintained

Debbie Pedro interjected that the applicant has certain vested rights with the approval of the Conditional Use Permit to locate at the site. Unless there has been a violation of the use permit the Town typically cannot revoke the permit. Conditions may be added to mitigate the neighborhood concerns.

Commissioner Carey queried about the revocation of Conditional Use Permits granted by the Town.

Debbie Pedro answered that the City attorney would be consulted on the issue.

**MOTION SECONDED AND PASSED BY THE FOLLOWING VOICE VOTE:** Motion by Commissioner Clow and seconded by Commissioner Harpootlian to recommend to City Council approval to extend the Conditional Use Permit for 5 years with staff investigation to determine whether 10 years is required and if so extend the approval for 10 years. Add to the conditions of approval a \$5,000 landscape screening installation deposit and required maintenance of the landscaping with replacement of plantings if they do not survive. Neighboring property owners will coordinate with staff to determine where landscape screening is to be placed.

Debbie Pedro requested neighbor input on location of additional landscaping for the site to develop a screening plan that is acceptable. Staff will visit the affected properties to examine the view issues. She asked for written suggestions from the property owners stating specific locations for landscape screening to be included in the conditions of approval.

Chairman Collins asked the neighborhood group present for a representative to coordinate the information to be provided to staff regarding the landscape screening.

Commissioner Carey would like staff to investigate the possibility of collocating this facility on other towers.

Commissioner Harpootlian instead suggested an independent request to City Council to form a committee to examine the issue of collocation of antennas in the Town.

Chairman Collins and Commissioner Cottrell concurred.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

Commissioner Carey wished to note he recommended the possibility of collocating Sprint on a neighboring antenna be investigated between this decision and the presentation to City Council.

Matthew Yergovich, Representative for Sprint, asked for confirmation of the validity of the language requiring the landscape deposit.

Chairman Collins requested the City attorney's opinion on the landscape installation deposit.

This item will be scheduled for a future City Council meeting.

4. OLD BUSINESS

Debbie Pedro reported that the Open Space Committee had proposed revised language for the General Plan Conservation Element section to be reviewed by the Planning Commission before being forwarded to City Council.

Discussion ensued among the Commissioners and staff regarding the reasons for the Planning Commission to hear the revised language.

MOTION SECONDED AND PASSED BY THE FOLLOWING ROLL CALL VOTE: Motion by Commissioner Clow and seconded by Chairman Collins that the April 5<sup>th</sup> Planning Commission meeting include a noticed Public Hearing to consider the revised language for the Conservation Element of the General Plan.

AYES: Chairman Collins, Commissioners Clow, Cottrell and Harpootlian  
NOES: Commissioner Carey

5. NEW BUSINESS-none

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for Jan. 11<sup>th</sup>-Commissioner Carey

6.2 Planning Commission Representative for Jan. 25<sup>th</sup>-Cancelled

6.3 Planning Commission Representative for Feb. 8<sup>th</sup>-Chairman Collins-Chairman

Collins reported on the Council's scheduled survey of 400 residents to gather opinion on development standards in Town.

6.4 Planning Commission Representative for Feb. 22<sup>nd</sup>-Commissioner Clow

Commissioner Carey voiced concern over the imbalance in development standards for Conditional Development Permit lots. Recent applications for these types of sites had requested variances for parking or other structures. The setbacks remain the same for small or large lots. He suggested review of the issue for any recommended changes to the ordinances for substandard lots. Variances had been granted in his neighborhood for parking but not for

structures. This had resulted in box like houses that may have been better mitigated with design allowing encroachment in the setback.

Commissioner Harpootlian added that one acre lots with 20 or 30 percent slope also had a small development area relative to the size of the house.

Commissioner Clow felt the development standards were not fair but proposed changes in setbacks or MDA should be approached with caution.

Commissioner Carey thought relaxing setback requirements and restricting two story structures from constrained lots might help prevent a tall wall from being constructed next to a neighboring home.

Planning Director Debbie Pedro suggested that applying a different set of standards for smaller lots may create pressure to increase development and subdivision of lots. The Planning Commission has the authority to limit floor area for homes on CDP lots.

Chairman Collins requested that the subject of development on CDP lots be discussed at the next Planning Commission meeting.

7. APPROVAL OF MINUTES

7.1 Approval of February 1, 2007 minutes

PASSED BY CONSENSUS: To approve the February 1, 2007 minutes as amended.

8. REPORT FROM FAST TRACK MEETING - FEBRUARY 27, 2007

8.1 LANDS OF KALKAT, 14132 Seven Acres Lane (230-06-ZP-SD); A request for a Site Development Permit for a 3,425 square foot addition to the existing residence (maximum height 22 feet). The proposal includes a new garage with a second-story storage room and a reconfigured driveway. CEQA review: exempt per 15301 (e) (Staff-Brian Froelich, AICP). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING FEBRUARY 6 AND FEBRUARY 20, 2007

9.1 LANDS OF GAHRAHMAT, 23856 Ravensbury Avenue (198-06-ZP-SD); A request for a Site Development Permit for a 292 square foot single story addition and interior remodel. CEQA review: 15303(a) (Staff-Nicole Horvitz). Approved with conditions.

9.2 LANDS OF ASKARI, 27630 Via Cerro Gordo (234-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan. CEQA review - Categorical Exemption 15304 (b) (Staff-Nicole Horvitz). Approved with conditions.

Commissioner Harpootlian reported that the structure of the interaction at the Fast Track meetings is significantly different than the structure of interaction at the Planning Commission meetings. He suggested an applicant be given the opportunity to have a Fast Track Hearing with the understanding that a Planning Commission Hearing may also be required.

Planning Director Debbie Pedro said that the ordinance is written in a way that the Planning Director has the discretion to forward any project to the Planning Commission for review. Applicants will be given the option for a Fast Track meeting whenever applicable.

10. ADJOURNMENT

The meeting was adjourned by consensus at 8:44 p.m.

Respectfully submitted,

Victoria Ortland  
Planning Secretary